

MINUTES OF THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF ARIZONA

United States of America v. Lear Jet

THE HONORABLE JOHN W. SEDWICK

2:04-cv-0363 JWS

PROCEEDINGS: **ORDER FROM CHAMBERS**

July 27, 2006

This order disposes of the motion at docket 162.

At docket 156, claimant Alberto Abed-Schekaiban ("Abed") moved for leave to file additional documents in support of the motion for reconsideration he filed at docket 153. The United States responded by asserting some of the documents were forgeries and suggesting they caused a conflict of interest between Abed and his counsel to arise. Docs. 157, 160. That suggestion led Abed's counsel to file a motion at docket 162 requesting that the court order the United States to "[a]rticulate each specific circumstance of and alleged misconduct which [the United States] contends gives rise to [the United States's] accusations of a conflict of interest." Doc. 162, p. 8. In response to the motion at docket 162, the United States highlights conduct that may give rise to a conflict of interest, but insists it "has not moved to disqualify counsel for Abed." Doc. 168, p. 8. After the United States filed its response to the motion at docket 162, the court issued an order in which it resolved the motion for reconsideration at docket 153 without relying on the documents of disputed authenticity. Doc. 173. The court also stayed this case with respect to Abed until August 21, 2006, and directed the parties to submit separate status reports on that date. *Id.*, p. 8.

Because 1) the court did not rely on the disputed documents and has already resolved the motion to which they were related; 2) the United States has disavowed any current interest in seeking disqualification of Abed's counsel; and 3) this case is stayed with respect to Abed, the motion at docket 162 is **DENIED**. The parties may discuss issues relating to a conflict of interest between Abed and his counsel in their status reports. Should the United States feel there is a continued conflict that warrants disqualification of Abed's counsel, it may file a motion to that effect. The court will take no further action on this topic unless the United States files such a motion.
